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# 1 Tendering

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There are various standard published forms which are commonly used in connection with tendering procedures. The *Code of Procedure for Single Stage Selective Tendering 1996*, the *Code of Procedure for Two Stage Selective Tendering 1996* and the *Code of Procedure for Selective Tendering for Design and Build 1996* used to be used, but it is now usual for the *Code of Practice for the Selection of Main Contractors 1997*, prepared by the Construction Industry Board, to be employed.

The tender stage is normally the first contact between contractor and architect. The stage can be very long and frustrating, particularly if programmed dates for delivery of tender documents are missed, as happens all too frequently. Where a contractor is being asked to tender for design and build on the basis of JCT contract DB the tender period is likely to be much longer than under the traditional system of procurement. This is because the contractor must have additional time to produce design proposals before getting down to preparing a price. In order to avoid a serious waste of time and money, it is common to invite such tenders on a two stage basis.

Tendering is the contractor's way of obtaining work and a persistent attitude to the initial hurdle of getting on the tender list should be adopted. Many local authorities maintain lists of contractors. Private employers are often advised by the architect and the quantity surveyor with regard to the firms to be included on the tender list. It is, however, a decision for the employer to make. The first letter is designed for situations where you become aware that a project is at design stage. Although it is addressed to the architect, there may be merit, in some cases, in addressing it to the employer if you consider that the architect is unlikely to act on it. If such a letter produces no reply, it is always worthwhile to follow it up.

## Letter 1

### To architect, requesting inclusion in list of tenderers

Dear

We were interested to note from [*state source*] that tenders are to be invited for the above project in the near future.

This is a type of work in which we are very experienced and we should welcome an invitation to tender. The following information may be of assistance to you if you are not already aware of our capabilities:

[*List the following information:*

1. *Names and addresses of all directors.*
2. *Address of registered office.*
3. *Website.*
4. *Share capital of firm.*
5. *Annual turnover during the last three years.*
6. *Number and positions of all office-based staff.*
7. *Number of site operatives permanently employed in each trade.*
8. *Number of trained supervisory staff.*
9. *Number and value of current contracts on site.*
10. *Address, date of completion and value of three recently completed projects of similar character to that for which tenders are to be invited.*
11. *Names and addresses of clients, architects or quantity surveyors connected with the projects noted in 10 above and to whom reference may be made.]*

We look forward to hearing from you in due course.

Yours faithfully

## Letter 2

To architect, if no response to request for inclusion on list of tenderers

Dear

We refer to our letter of the *[insert date]*, requesting inclusion on the list of tenderers for the above project.

Since we have not heard from you, we take this opportunity to re-affirm our interest in the project and assure you of our experience in work of this nature.

We should be delighted to meet you to expand upon the details given in our earlier letter. We have the facilities to make a presentation showing recent projects we have carried out which may be of interest to your client.

Our managing director *[or insert appropriate designation]*, M.. *[insert name]*, will telephone you on *[insert day]*.

Yours faithfully

## **Letter 3**

### **To architect, agreeing to tender**

Dear

Thank you for your letter of the [*insert date*] from which we note that you intend to invite tenders for the above project.

We should be pleased to be included on the tender list. No doubt you will be sending further details in due course.

Yours faithfully

## **Letter 4**

### **To architect, if contractor unwilling to tender**

Dear

Thank you for your letter of the [*insert date*] from which we note that you intend to invite tenders for the above project.

With regret, we must ask to be excused from tendering on this occasion due to our very heavy workload. We do hope, however, that you will give us the opportunity to tender for other projects on other occasions in the future.

Yours faithfully

## Letter 5

**To architect, if contractor asked to provide information prior to inclusion on tender list**

Dear

Thank you for your letter of the *[insert date]* setting out brief details of the above project and requesting particulars of this company.

On the information provided, it appears that the project would be directly related to our skills and experience and we should be delighted to be included on the tender list. The information you require is as follows:

*[List answers using same numeration as in architect's letter.]*

Yours faithfully

## **Letter 6**

**To architect, if the contractor is informed that the tender date is delayed and is still willing to submit tender**

Dear

Thank you for the letter of the *[insert date]* informing us that the date for despatch of tender documents has been revised to *[insert date]*. We confirm that we are still willing to submit a tender for this project.

Yours faithfully

## **Letter 7**

**To architect, if the contractor is informed that the tender date is delayed and is unwilling to tender**

Dear

Thank you for your letter of the [*insert date*] informing us that the date of despatch of tender documents has been revised to [*insert date*]. We regret that it will be impossible for us to rearrange our very heavy workload so as to be able to submit a tender in accordance with the new timetable.

We do hope, however, that you will give us the opportunity to tender for other projects on other occasions in the future.

Yours faithfully

## **Letter 8**

### **To architect, acknowledging receipt of tender documents**

Dear

Thank you for your formal invitation to tender for the above project with which you enclosed [*list documents enclosed*].

We confirm that we will submit our tender by the [*insert tender date*].

[*If appropriate, add:*]

We wish to inspect the detailed drawings and visit site. Our M.. [*insert name*] will telephone you to make the necessary appointment within the next few days.

Yours faithfully

## **Letter 9**

**To architect, regarding questions during the tender period**

Dear

We have carefully examined the tender documents enclosed with your letter of the *[insert date]*. We have examined the detailed drawings at your office and we have visited site. There are certain items which require clarification as follows:

*[List items requiring clarification.]*

Items marked with a red X are urgent and, if we are to meet the date for submission of tenders, we need clarification of these points by *[insert date]*.

Yours faithfully

## **Letter 10**

### **To architect, requesting extension of tender period**

Dear

We are preparing our tender for the above project with the greatest possible speed. Prices for a number of the sub-contract items, however, will not be in our hands until after the date for submission of tenders. Clearly, we will be unable to submit a tender unless the tendering period is extended. We therefore request an extension of the period by *[insert period of extension, which should be as short as possible]*. We are proceeding on the assumption that you will be able to grant our request, but if you feel unable so to do, please let us know immediately so that we can stop what will become abortive work.

Yours faithfully

## **Letter 11**

### **To architect, withdrawing qualification to tender**

Dear

In response to your letter of the *[insert date]*, we confirm that we withdraw the qualification to our tender dated *[insert date]* without amendment to the tender sum of *[insert amount]*.

The qualification to which we refer above is:

*[Set out the qualification using the precise wording used in the tender.]*

Yours faithfully

## **Letter 12**

**To architect, if confirming offer where the overall price is dominant**

Dear

Thank you for your letter of the *[insert date]* with which you enclosed a list of errors detected in our pricing of the bills for the above project.

We have carefully examined the list and we note that, in accordance with the CIB Code of Practice for the Selection of Main Contractors, the overall price is to be dominant in this instance. Therefore, please take this as notice that we confirm our offer of *[insert amount]* as stated in our tender dated *[insert date]*.

We note what you state regarding endorsement and we agree to its terms.

Yours faithfully

## **Letter 13**

**To architect, if withdrawing offer where the overall price is dominant**

Dear

Thank you for your letter of the [*insert date*] with which you enclosed a list of errors detected in our pricing of the bills for the above project.

We have carefully examined the list and we note that, in accordance with the CIB Code of Practice for the Selection of Main Contractors, the overall price is to be dominant in this instance. In view of the nature of the errors, we regret that we must withdraw our offer.

Yours faithfully

## **Letter 14**

**To architect, if amending offer where the pricing document is dominant**

Dear

Thank you for your letter of the *[insert date]* with which you enclosed a list of errors detected in our pricing of the bills for the above project.

We have carefully examined the list and we note that, in accordance with the CIB Code of Practice for the Selection of Main Contractors, the pricing document is dominant in this instance. In view of the nature of the errors, we have amended our offer. Our amended tender price is *[insert amount]* and we enclose details of the relevant calculations.

Yours faithfully

## Letter 15

To architect, if tender accepted (a)

***This letter is not suitable for use with DB, ICD or MWD.***

Dear

Thank you for your letter of the [insert date] accepting our tender of the [insert date] in the sum of [insert amount] for the above Works in accordance with the drawings numbered [insert numbers] and the bills of quantities [or specification/work schedules].

We understand that a contract now exists between the employer and ourselves and we look forward to receiving the contract documents for signing/execution as a deed [delete as appropriate] in due course.

Yours faithfully

## **Letter 16**

**To architect, if tender accepted (b)**

***This letter is only suitable for use with DB.***

Dear

Thank you for your letter of the [insert date] accepting our tender of the [insert date] in the sum of [insert amount] for the completion of the design and the construction of the above project in accordance with the Employer's Requirements, the Contractor's Proposals and the Contract Sum Analysis.

We understand that a contract now exists between the employer and ourselves and we look forward to receiving the contract documents for signing/execution as a deed [delete as appropriate] in due course.

Yours faithfully

## **Letter 17**

**To architect, if tender accepted (c)**

***This letter is only suitable for use with ICD or MWD.***

Dear

Thank you for your letter of the [insert date] accepting our tender of the [insert date] in the sum of [insert amount] for the construction of the above project and the design and construction of the Contractor's Designed Portion in accordance with the drawings numbered [insert numbers] and the bill of quantities [or specification/work schedules] and the relevant Employer's Requirements, Contractor's Proposals and CDP Analysis.<sup>1</sup>

We understand that a contract now exists between the employer and ourselves and we look forward to receiving the contract documents for signing/execution as a deed [delete as appropriate] in due course.

Yours faithfully

[<sup>1</sup> When using MWD, delete 'Contractor's Proposals and CDP Analysis'.]

**Letter 18****To architect, if purporting to accept tender**

Dear

Thank you for your letter of the *[insert date]*, which purports to be an acceptance of our tender of the *[insert date]* for the Works.

It is clear that your letter is not an acceptance of our tender, indeed it attempts to insert the following changes: *[list the changes]*.

Therefore, your letter is, strictly, a counter-offer and no contract exists unless we accept it. In the circumstances, we have no intention of accepting it. We are advised that your counter-offer had the effect of rejecting our original tender. Therefore, we confirm that we will re-open our tender for a further *[insert period]* to allow you to unequivocally accept it.

Yours faithfully

## **Letter 19**

### **To architect, if another tender accepted**

Dear

Thank you for your letter of the [*insert date*] from which we note that our tender was not successful in this instance.

We await details of the full list of tender prices with interest and assure you of our willingness to receive your future enquiries.

Yours faithfully